

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MBMJ PROPERTIES, LLC, et al.,

Plaintiffs,

v.

MILLVILLE MUTUAL INSURANCE
COMPANY,

Defendant.

CIVIL ACTION
NO. 18-5071

ORDER

AND NOW, this 16th day of April 2019, upon consideration of Defendant's Motion to Dismiss Count II of Plaintiffs' Complaint Pursuant to Rule 12(b)(6) (Doc. Nos. 5), Defendant's Memorandum of Law in Support of the Motion (Doc. No. 6), Plaintiffs' Response in Opposition to the Motion (Doc. No. 8), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that Defendant's Motion to Dismiss (Doc. No. 5) is **GRANTED**. Count II of Plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that Plaintiff is granted leave to file an amended complaint with respect to Count II by **May 7, 2019**.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.